



CANNON BUILDING
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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | BOARD OF FUNERAL SERVICES |
| MEETING DATE AND TIME: | Tuesday, December 11, 2012, 10:00 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building |
| MINUTES APPROVED: | March 26, 2013 |

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Harry Fletcher, Professional Member, Secretary
M.C. Byrd, Public Member
Danna Levy, Public Member
William Torbert, Professional Member (entered at 10:18 a.m.)

MEMBERS ABSENT

Robert O. Wright, Professional Member
Marceline Knox, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Patricia Davis-Oliva, Deputy Attorney General
Michele Howard, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III (training)

OTHERS PRESENT

None

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:02 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the November 7, 2012 meeting. Mr. Fletcher made a motion, seconded by Ms. Levy, to approve the minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

FUNERAL ESTABLISHMENT INSPECTIONS – SUBMIT BILL NEXT LEGISLATIVE SESSION (NO UPDATE)

Ms. Davis-Oliva confirmed that there was nothing new to report.

2010-2012 CONTINUING EDUCATION AUDIT – STATUS OF DEFICIENT & FAILED AUDITS

John M. Holloway – review notification of deficiency
Stephen L. Schaech – review notification of deficiency
Gregory G. Kaznowsky – review notification of deficiency

Ms. Howard stated that notifications of deficiency were mailed on December 7, 2012, and that licensees will have 30 days to respond. The Board will review the responses at its January 2013 meeting.

Chad H. Chandler – review notification of deficiency

Ms. Howard stated that Mr. Chandler submitted additional certificates of completion for 4.0 CEUs for courses that were previously approved by the Board. Ms. Howard confirmed that these additional certificates satisfy Mr. Chandler's CE audit for the 2010-2012 licensure period.

Derrick E. Gore – review notification of failed audit

Ms. Howard summarized the Board's previous decision regarding the CE audit of Derrick Gore. Ms. Howard added that the letter notifying Mr. Gore that he had failed the audit was mailed on December 7, 2012. Mr. Gore will be scheduled for a Rule to Show Cause Hearing before a Hearing Officer and the Board will review recommendations from the Hearing Officer at a later date.

Raymond D. Johnson – review certificates of completion submitted late

Ms. Howard reminded the Board that it previously voted to schedule a Rule to Show Cause Hearing for Raymond Johnson for failure to respond to the CE audit. Ms. Howard stated that when he received his hearing notice, Mr. Johnson contacted the Board office to explain why he did not initially respond to the audit. Mr. Johnson submitted copies of certificates of completion for 10 CEUs taken during the 2010-2012 licensure period for courses approved by APFSP. Mr. Chandler reviewed and approved the certificates of completion prior to the Board's meeting and determined that Mr. Johnson passed the 2010-2012 CE audit. Mr. Johnson's hearing has been cancelled.

NEW BUSINESS

RATIFICATION OF LICENSURE

Andrea N. Torruellas – Funeral Director

Mr. Fletcher made a motion, seconded by Ms. Levy, to ratify the Funeral Director licensure of Andrea N. Torruellas. The motion carried unanimously.

REVIEW OF RESIDENT INTERN REPORTS

None

REVIEW OF APPLICATIONS FOR LICENSURE

None

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Regulatory Support Services, Inc., *Singing the Regulatory Tune: How I Learned to be on Key With Global Harmonization and Infectious Disease* (OSHA training), Dates and Locations Vary

Mr. Chandler and Mr. Fletcher reviewed the CE application. After discussion, Ms. Byrd made a motion, seconded by Mr. Fletcher, to approve the course as presented. The motion carried unanimously.

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Complaint 27-18-12 New Complaint Assigned to Mr. Fletcher

Mr. Chandler stated that Complaint 27-18-12 was assigned to Mr. Fletcher.

Mr. Torbert entered the meeting at 10:18 a.m.

CONSENT AGREEMENTS

Complaint 27-01-11 (Fletcher) Thomas Trader – Consider 2nd Proposed Consent Agreement

Ms. Davis-Oliva reminded the Board that it had previously denied the original Consent Agreement presented in the matter of complaint 27-01-11 because it felt the proposed discipline was too lenient. The Board reviewed the second proposed Consent Agreement. Ms. Byrd questioned, and Ms. Davis-Oliva summarized, the Board's original recommendation of discipline to the prosecutor. Mr. Chandler questioned whether the complainant

would receive a copy of the Consent Agreement. Ms. Davis-Oliva responded that, if accepted, the Consent Agreement would be a public document and available on the Division's website. Ms. Howard read aloud the Board's decision regarding the first proposed Consent Agreement from its July 2012 meeting. Ms. Howard noted that Mr. Fletcher was the assigned Board Contact for the complaint and would be recused from the discussion and vote. Ms. Byrd stated that although the Board originally proposed a one-year suspension of Mr. Trader's license, she will accept a 90-day suspension so that the case is not "dragged out" any longer. Mr. Torbert stated that he is okay with the terms of the proposed Consent Agreement. Mr. Chandler questioned if the proposed discipline was strong enough to "get the point across" to Mr. Trader. Mr. Torbert stated that "if the record is correct, things should not have happened this way", and added that he believes the proposed additional CE courses would be beneficial to Mr. Trader. After further discussion, Mr. Torbert stated that he believes accepting the proposed agreement is a good sign that the Board will discipline for this type of offense. Ms. Levy stated that she thinks the proposed agreement is okay. Ms. Byrd made a motion, seconded by Ms. Levy, to accept the Consent Agreement. The motion passed by a majority, with Mr. Fletcher recused from the vote.

Ms. Davis-Oliva circulated an Order for the Board's signatures. Mr. Chandler questioned when the Order would take effect. Ms. Davis-Oliva responded that the Order is effective on the date it is signed by the Board.

Mr. Chandler questioned what would happen if Mr. Trader violated his probation. Ms. Davis-Oliva responded that any violation of the Board's statute or regulations that occurs while the licensee is on probation can be handled with more severe discipline. She clarified that if a new complaint arises from Mr. Trader's behavior while his license is on probation, the Board could discipline him more harshly than another licensee who committed the same offense who wasn't on probation. Mr. Chandler thanked Ms. Davis-Oliva for the clarification.

CORRESPONDENCE

THE CONFERENCE REPORT, WINTER 2012

109th Annual Meeting of The Conference, February 2013, Henderson, NV – Deadline for Registration 12/31/12

After discussion, Ms. Byrd made a motion, seconded by Ms. Levy, to have Mr. Fletcher represent the Board at the 109th Annual Meeting of The Conference. The motion carried unanimously.

Ms. Byrd made a motion, seconded by Ms. Levy, to allow Ms. Howard to forward the names and email addresses of all Board members to The Conference as requested. The motion carried unanimously.

New Program: Board Member Training Program

Ms. Howard summarized the new Board Member Training Program. After discussion, Mr. Fletcher agreed that he will attend the Board Member Training Program offered during the 109th Annual Meeting of the Conference on February 26 and 27, 2013.

New Program: Delegate Grant Program

Ms. Howard summarized the new Delegate Grant Program. After discussion, Ms. Byrd made a motion, seconded by Mr. Chandler, to appoint Mr. Fletcher as the Board's official delegate to The Conference, if one is needed. The motion carried unanimously. The Board agreed to allow Renae Bailey of the Division of Professional Regulation to research the Delegate Grant Program and make the decision as to whether or not to apply.

UNFINISHED BUSINESS (CONTINUED)

BOARD MEMBER TERMS – Update from Mr. Torbert

Mr. Torbert stated that he had contacted the Governor's office regarding Board member terms, but had not received a call back from the Governor. He did, however, speak at length with someone in the Governor's office who advised that they were hesitant to move forward with reappointments or replacements until some issues were resolved. Mr. Torbert stated that he was told the Governor's office would be contacting the Board for input on these issues. Mr. Chandler questioned, and Mr. Torbert responded, that Board members were currently "holding over" until some undisclosed problems could be resolved. Mr. Torbert added that he was told

the issues applied to other boards as well. Ms. Howard confirmed that Ms. Levy, Ms. Byrd, Mr. Torbert, and Mr. Wright were currently holding over on expired terms. Ms. Levy questioned, and Ms. Davis-Oliva responded, that the Board members should continue to show up for meetings so that there is a quorum to conduct Board business, and to wait for the Governor's office to make a decision regarding reappointments or replacements.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Ms. Howard reminded the Board that her last day with the State is Friday, December 14, 2012. Mr. Fletcher stated that Ms. Howard will be missed. Ms. Byrd and Ms. Levy stated that they wish Ms. Howard the best of luck in her future endeavors. Mr. Chandler stated that Ms. Howard has made it very easy for the Board to function, and added that he has enjoyed working with her. Mr. Chandler added that Ms. Howard's pleasant personality will be missed. Ms. Howard thanked the Board members for their kind words and added that she will miss working with them.

PUBLIC COMMENT

None

NEXT MEETING

The next Board meeting will be held on Tuesday, January 29, 2013, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Byrd made a motion, seconded by Ms. Levy, to adjourn the meeting at 10:39 a.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.